

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MS, an infant by his mother and natural guardian,
KRISTIN CASSAVELL-SIVERE, and KRISTIN
CASSAVELL-SIVERE, individually,

Plaintiffs,

-against-

RYE NECK UNION FREE SCHOOL DISTRICT,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 1/31/2023

No. 18 Civ. 8283 (NSR)


ORDER

NELSON S. ROMÁN, United States District Judge:

Plaintiffs filed this action initially in the Supreme Court of the State of New York, County of Westchester, and removed it to this Court on September 12, 2018. (ECF No. 1.) Plaintiffs allege that Defendant violated state tort and statutory law as well as federal law. (*Id.*) On May 10, 2019, this Court issued an Opinion & Order (1) denying Plaintiffs' motion for leave to serve a notice of claim *nunc pro tunc* or for the Court to deem the notice of claim served on May 15, 2018 timely-filed and (2) remanding Plaintiffs' state law claims to the Supreme Court of the State of New York in Westchester County from which this matter was removed. (ECF No. 15.) On January 27, 2023, Plaintiffs notified the Court that the Appellate Division of the New York State Supreme Court had granted Plaintiffs' motion for leave to serve a late notice of claim upon Defendant.

Accordingly, it is hereby ORDERED that the Clerk of Court VACATE the stay of the instant action. It is further ORDERED that Defendant answer or otherwise seek leave to move in response to Plaintiff's Complaint by February 21, 2023. SO ORDERED.

Dated: January 31, 2023
White Plains, New York



NELSON S. ROMÁN
United States District Judge